

EXHIBIT D

Defendants' Requests for Production of
Documents (First Set) to UEC, Fujimoto and
Aruze USA (collectively "UEC Parties"), served
September 27, 2018

EXHIBIT D

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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

UNIVERSAL ENTERTAINMENT
 CORPORATION, a Japanese corporation

Plaintiff,

v.

ARUZE GAMING AMERICA, INC., a Nevada
 corporation, KAZUO OKADA, an individual

Defendants.

ARUZE GAMING AMERICA, INC., a Nevada
 corporation, KAZUO OKADA, an individual

Counterclaimants,

v.

UNIVERSAL ENTERTAINMENT
 CORPORATION, a Japanese corporation,
 ARUZE USA, a Nevada corporation, and JUN
 FUJIMOTO, an individual,

Counter Defendants.

CASE NO.: 2:18-00585-RFB-GWF

**ARUZE GAMING AMERICA, INC.
 AND KAZUO OKADA'S REQUESTS
 FOR PRODUCTION OF DOCUMENTS**

(FIRST SET)

Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendants/Counter-Claimants request that Plaintiff/Counter-Defendants produce documents described below for inspection and copying at the offices of Holland & Hart LLP, 9555 Hillwood Drive, 2nd Floor, Las Vegas, Nevada 89134, within thirty (30) days after service of this request or at a mutually agreed upon time and place.

1. Plaintiff/Counter-Defendants’ responses to these requests shall comply with FRCP 34(b)(2), in that for all items produced pursuant to these requests, Plaintiff/Counter-Defendants shall “organize and label them to correspond with the categories in the request.”

a. **“Accused Product”** means any product or service made, used, sold, or offered for sale by AGA that UEC contends infringes any claim of any Asserted Patent.

c. “**Aruze**” refers to the Counter-Defendant in this action identified as Aruze USA, Inc., including but not limited to its predecessors, successors, parents, subsidiaries, divisions and affiliates (excluding AGA), and each of their respective current and former officers, directors, agents, attorneys, accountants, employees, representatives, partners, consultants, contractors, advisors, and other persons occupying similar positions or performing similar functions, and all other persons acting or purporting to act on its behalf or under its control.

1 d. “**Asserted Claim**” means any claim of any of the Asserted Patents asserted
2 by UEC against AGA in this litigation.

3 e. “**Asserted Patents**” refers to any or all patents asserted in this action,
4 including U.S. Reissue Patent Nos. 46,472 and 46,473 and U.S. Patent Nos. 8,088,013 and
5 8,246,047.

6 f. “**Board of Corporate Auditors**” refers to that term as used by UEC in its
7 June 8, 2017 press release entitled “Notice on the Establishment of the Special Investigation
8 Committee.” Pursuant to this press release under the section entitled “Background of the
9 Establishment of the Special Investigation Committee,” UEC states that “[a]t the Company’s
10 Extraordinary Board Meeting held on May 23, 2017, a report, with an approval of the **Board of**
11 **Corporate Auditors**, was made by Mr. Nobuyoshi Ichikura...” (Emphasis added).

12 g. “**Concerning**” means constituting, relating to, pertaining to, referring to,
13 alluding to, responding to, in connection with, commenting on, in response to, regarding,
14 explaining, discussing, showing, describing, studying, reflecting, analyzing, supporting or
15 contradicting.

16 h. “**Document(s)**” or “**Communication(s)**” mean the original, or a copy
17 when the original is not available, and each non-identical copy, including those which are non-
18 identical by reason of notations or markings of: papers, tapes, drives, discs, or other substances
19 on which **Communications**, data, or information is recorded or stored, whether made by manual,
20 mechanical, photographic or electronic process. This definition includes all drafts or superseded
21 revisions of each document. As used herein, “document(s)” and “**Communications**” includes,
22 but is not limited to: e-mail, text messages, books, pamphlets, periodicals, letters, reports,
23 memoranda, handwritten notes, notations, messages, telegrams, cables, records, drafts, diaries,
24 studies, analyses, summaries, magazines, circulars, bulletins, instructions, minutes, photographs,
25 purchase orders, bills, checks, tabulations, calendars, charge slips, questionnaires, surveys,
26 drawings, sketches, working papers, charts, graphs, indexes, taped correspondence, records of
27 purchase of sale, contracts, agreements, leases, invoices, expense records, trip reports, releases,
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1 appraisals, valuations, estimates, opinions, financial statements, accounting records, income
 2 statements, electronic or other transcriptions or taping of telephone or personal conversations or
 3 conferences or any and all other written, printed, typed, punched, taped, filed or graphic matter
 4 or tangible thing, of whatever description, however produced or reproduced (including computer
 5 stored or generated data, together with instructions and programs necessary to search or retrieve
 6 such data), and shall include all attachments and enclosures to any requested item, which shall
 7 not be separated from the item to which they are attached or enclosed. **“Documents”** also includes
 8 any records maintained by computer or other electronic media, including disk, CD-ROM, DVD
 9 or other devices. **“Documents”** include electronically stored information (“ESI”) associated with
 10 requested documents, including, without limitation email, voicemail, documents, spreadsheets,
 11 calendars, and any other information existing in electronic format (e.g. Word, Excel, Outlook,
 12 .pdf, .tif, .jpg, .wav). **“Documents”** also includes any physical things.

13 i. **“Fujimoto”** refers to the individual Counter-Defendant in this action
 14 identified as Jun Fujimoto, or anyone acting on his behalf.

15 j. **“Internal Audit Office”** refers to that term as used by UEC in its June 8,
 16 2017 press release entitled “Notice on the Establishment of the Special Investigation Committee.”
 17 Pursuant to this press release under the section entitled “Background of the Establishment of the
 18 Special Investigation Committee,” UEC states that “[a]t the Company’s Extraordinary Board
 19 Meeting held on May 23, 2017, a report, with an approval of the Board of Corporate Auditors,
 20 was made by Mr. Nobuyoshi Ichikura.... The report said that there was a possibility that
 21 fraudulent acts were carried out, including but not limited to skipping a proper internal approval
 22 process, in connection with the loan extended from Tiger Resorts Asia Limited, a Hong Kong
 23 subsidiary of the Company (hereinafter referred to as “TRA”) that was processed by Mr. Kazuo
 24 Okada, Chairman and Director of the Company [] and Mr. Yoshinao Negishi, Director and
 25 General Manager of Administrative Division of the Company [] in March 20, 2015.” “In response
 26 to this, the Company suspended all the rights and authorities previously held by Chairman Okada
 27 and Director Negishi with regard to the business execution and commanding in the Company, its
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1 subsidiaries and affiliated companies, established an in-house investigation team consisting of the
2 Corporate Auditors, members of the **Internal Audit Office** and external experts who had no
3 interests in the Company and proceeded with its investigation.” (emphasis added).

4 k. “**Make**,” “**use**,” “**offer for sale**,” and “**sell**,” each assume the broadest
5 possible meaning given those terms under 35 U.S.C. § 271. As used herein, these terms further
6 include any making or manufacturing, using, or selling for experimental purposes.

7 l. “**Named Inventors**” means all inventors named on the face of the Asserted
8 Patents, including Takashi Abe, Hideaki Kishi, Yuya Konno, Yasuyuki Sekine, and Koichiro
9 Hashimoto.

10 m. “**Okada**” refers to the individual Defendant/Counter-Claimant in this
11 action identified as Kazuo Okada.

12 n. “**Okada Holdings**” refers to Okada Holdings, Limited, including but not
13 limited to its predecessors, successors, parents, subsidiaries, divisions and affiliates, and each of
14 their respective current and former officers, directors, agents, attorneys, accountants, employees,
15 representatives, partners, consultants, contractors, advisors, and other persons occupying similar
16 positions or performing similar functions, and all other persons acting or purporting to act on its
17 behalf or under its control.

18 o. “**Okada Holdings Takeover**” refers to Tomohiro Okada purportedly
19 obtaining control of Hiromi’s Okada’s approximate 9.78% minority share of Okada Holdings
20 Limited, which combined with Tomohiro Okada’s approximate 43.4%, would give Tomohiro
21 Okada control over Okada Holdings Limited (as described in Counterclaim paragraphs 70 – 99,
22 107-109). As a result of Tomohiro Okada obtaining purported control over Okada Holdings
23 Limited, Mr. Okada was removed as its director and replaced by Mr. Atsunobu Ishida and Mr.
24 Makoto Takada on or about May 12, 2017. Any request for documents relating to the Okada
25 Holdings Limited Takeover should include documents from January 1, 2017 to present.

26 p. “**Patent**” refers to any patent, patent application, patent publication, utility
27 model, or design.
28

1 q. **“Patent Counsel”** means all attorneys, agents, and other persons or entities
2 that assisted or represented UEC and/or the Named Inventors in drafting, prosecuting, and/or
3 obtaining the Asserted Patents.

4 r. **“Prior Art”** means all things, patents, publications, disclosures, uses,
5 sales, offers for sale, or other acts or occurrences, by Plaintiff or by others, included within the
6 broadest meaning of 35 U.S.C. § 102 (or any subpart thereof) and 35 U.S.C. § 103.

7 s. **“Related Applications”** means any and all applications related to the
8 Asserted Patents, including any provisional or non-provisional applications, continuations,
9 continuations-in-part, divisions, interferences, reexaminations, reissues, parents, foreign counter-
10 part applications, and any other applications disclosing, describing or claiming any invention
11 disclosed, described, or claimed in the Asserted Patents, or claiming the benefit of the filing date
12 of any application whose benefit is claimed in the Asserted Patents, whether or not abandoned
13 and whether or not issued.

14 t. **“Related Patents”** means any and all patents based upon any Related
15 Application, including foreign patents, domestic patents, corresponding patent applications, and
16 co-pending patent applications and any patents that may have been opposed, reexamined, re-
17 issued, or subjected to any validity or nullity proceeding.

18 u. **“Special Investigation Committee”** refers to that committee referenced
19 in paragraphs 67 – 68 of UEC’s Second Amended Complaint which, *inter alia*, alleges that “[i]n
20 June 2017, UEC became aware of a possibility that Okada engaged in misconduct in relation to
21 foreign business. In response to this misconduct, UEC established a Special Investigation
22 Committee formed by outside experts to investigate Okada.” “On August 29, 2017, the Special
23 Investigation Committee reported the results of the investigation to UEC. This identified the fact
24 that Okada had caused UEC damages worth at least JPY 2.2 billion due to his misconduct through
25 the foreign business done for personal gain during 2013 – 2015.”

26 v. **“UEC”** or **“Plaintiff”** refers to the Plaintiff/Counter-Defendant in this
27 action identified as Universal Entertainment Corporation, including but not limited to its
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1 predecessors, successors, parents, subsidiaries, divisions and affiliates, and each of their
2 respective current and former officers, directors, agents, attorneys, accountants, employees,
3 representatives, partners, consultants, contractors, advisors, and other persons occupying similar
4 positions or performing similar functions, and all other persons acting or purporting to act on its
5 behalf or under its control.

6 w. “**Wynn Litigation**” refers to the civil action filed in Nevada District Court
7 under cause number A-12-656710-B by Wynn Resorts, Limited against Okada, Aruze, and UEC.

8 3. Words in the singular include their plural meaning, and vice versa. The past tense
9 includes the present tense where the clear meaning is not distorted by a change of tense, and words
10 used in the masculine gender shall include the feminine gender.

11 4. The words “and” and “or” shall be individually interpreted in every instance as
12 meaning “and/or” and shall not be interpreted to exclude any information within the scope of any
13 request.

14 5. References to persons and other entities include their agents, employees,
15 representatives, and attorneys.

16 6. These requests require production of **Documents**, including documents,
17 electronically stored information or things, that are in your possession, custody or control, and
18 **Documents** that are in the possession, custody or control of your agents, employees, accountants,
19 attorneys, representatives, or other persons who have documents deemed to be in your possession,
20 custody or control.

21 7. If you contend that you are entitled to withhold from production any or all
22 **Documents** identified herein on the basis of attorney/client privilege, work product doctrine, or
23 other ground, then do the following with respect to each and every document:

24 a. Describe the nature of the document, in sufficient particularity to identify
25 it and to enable you to identify or disclose it in response to an order of the court, including the
26 date and subject matter of such document;

27 b. Identify the person(s) who prepared the document;

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1 c. Identify the person(s) who sent and received the original and a copy of the
2 document, or to whom the document was circulated, or its contents communicated or disclosed;
3 and

4 d. State the basis upon which you contend you are entitled to withhold the
5 document from production.

6 8. Whenever a document is not produced in full (as, for example, when material is
7 excerpted or redacted from a document), state with particularity the reason or reasons why the
8 document was not produced in full, and describe to the best of your knowledge, information, or
9 belief and with as much particularity as possible, those portions of the document that are not
10 produced, including the content or substance of the content thereof.

11 9. If **Documents** existed that were responsive to any of these requests, but you
12 contend that such **Documents** no longer exist or are not within your possession, custody or
13 control, then do the following with respect to each and every document:

14 a. Describe the nature of the document, in sufficient particularity to identify
15 it and to enable the answering party to identify or disclose it in response to an order of the court,
16 including the date and subject matter of such document;

17 b. Identify the person(s) who prepared the document;

18 c. Identify the person(s) who sent and received the original and a copy of the
19 document, or to whom the document was circulated, or its contents communicated or disclosed;
20 and

21 d. State the circumstances which prevent production of the document.

22 10. Electronic records and computerized information shall be produced in an
23 intelligible and readable format and shall be accompanied by a description of the system from
24 which they were obtained, including a description of the database or other software utilized with
25 respect to such data.

26 11. Unless otherwise specifically stated, all requests call for production of **Documents**
27 prepared, received, or dated at any time prior to and including the date of production.
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12. With respect to any category of **Documents** whose production you contend is in some way “burdensome” or “oppressive,” please state the specific reason for that objection.

13. These requests are continuing and, to the extent required by the Federal Rules of Civil Procedure, you must promptly produce such additional responsive **Documents** as may hereafter be located or acquired by you.

14. The answering party shall produce the **Documents** as they are kept in the usual course of business or organize and label the **Documents** to correspond with the categories in these requests. If the original is not in your custody, then you are to produce a copy thereof, and all non-identical copies which differ from the original or from the other copies produced for any reason including the making of notes thereon.

15. These Requests are intended to encompass any electronically stored information or any data or information maintained in any form.

16. Unless the parties agree otherwise, Defendants/Counter-Claimants request production in the form set forth in the parties ESI Agreement.

REQUESTS FOR PRODUCTION OF DOCUMENTS

General

REQUEST NO. 1:

Please produce copies of all Documents identified in and/or which tend to support, refute, or are in any way relevant to the Second Amended Complaint filed on August 23, 2018.

REQUEST NO. 2:

Please produce all Documents reviewed or relied upon in connection with the filing of the Second Amended Complaint in this litigation.

REQUEST NO. 3:

Please produce all Documents on which UEC intends to rely to support its positions Concerning any claim or defense in this action.

REQUEST NO. 4:

Please produce all Documents sufficient to identify persons who have knowledge

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1 Concerning any claim or defense in this action.

2 **REQUEST NO. 5:**

3 Please produce all Documents Concerning, or on which UEC intends to rely to establish,
4 elements of UEC' case where UEC bears the burden of proof.

5 **REQUEST NO. 6:**

6 Please produce all exhibits that UEC plans to use at any hearing or at the trial of this case,
7 including Documents, physical samples, or demonstratives of any kind, and all Documents
8 prepared by any person UEC expects to call to testify as an expert at trial, including but not limited
9 to reports, correspondence, memoranda, charts, photographs, diagrams, drawings, tables, notes or
10 similar Documents, as well as Documents though not written by experts, that UEC intends to
11 offer into evidence through an expert at trial.

12 **REQUEST NO. 7:**

13 Please produce each and every written or recorded statement, affidavit, affirmation or
14 declaration Concerning any of the allegations in the Second Amended Complaint that UEC or
15 anyone acting on behalf of UEC has obtained.

16 **REQUEST NO. 8:**

17 Please produce all Documents on which UEC relied in the preparation of UEC's response
18 or supplemental response to any interrogatory, request for admission, or request for production
19 served by Defendants in this Action, including any Documents identified in, requested to be
20 identified in, used, or relied upon in the preparation of any such UEC response or supplemental
21 response.

22 **REQUEST NO. 9:**

23 Please produce all Documents evidencing any damages incurred by Plaintiff as it relates
24 to any claim alleged in the Second Amended Complaint.

25 **REQUEST NO. 10:**

26 Please produce all Documents Concerning any document retention or destruction policy
27 of UEC or any such policy governing UEC employees.

28

REQUEST NO. 11:

Please produce all Documents containing any facts or data that UEC, or anyone on its behalf including attorneys, provided to any testifying expert witness that the expert considered in forming the opinions to be expressed.

REQUEST NO. 12:

Please produce all Documents containing any assumptions that UEC, or anyone on its behalf including attorneys, provided to any testifying expert witness that the expert relied on in forming the opinions to be expressed from January 1, 2017 to present.

*Corporate Structure/History***REQUEST NO. 13:**

Please produce all Documents Concerning the corporate structure, organization, or business of UEC, including without limitation, articles of incorporation, bylaws, organizational charts, decision-making authority charts, business plans, and corporate reports and filings.

REQUEST NO. 14:

Please produce all Documents Concerning amendments UEC has made to its corporate Documents, including but not limited to its articles of incorporation and bylaws, since January 1, 2007.

REQUEST NO. 15:

Please produce all Documents Concerning the corporate structure, organization, or business of Aruze, including without limitation, articles of incorporation, bylaws, organizational charts, business plans, and corporate reports and filings, since January 1, 2007.

REQUEST NO. 16:

Please produce all Documents Concerning amendments Aruze has made to its corporate Documents, including but not limited to its articles of incorporation and bylaws, since January 1, 2007.

REQUEST NO. 17:

Please produce all Documents Concerning Okada Holdings' appointment of Okada as

1 nominee director in UEC.

2 **REQUEST NO. 18:**

3 Please produce all Documents Concerning the sale of AGA by UEC to Okada which was
4 consummated on March 31, 2009.

5 **REQUEST NO. 19:**

6 Please produce all Documents in support of UEC's contention in paragraph 59 of the
7 Second Amended Complaint that the transfer of the remaining stock in AGA owned by UEC to
8 Okada was "completed in March 2010."

9 **REQUEST NO. 20:**

10 Please produce all Documents Concerning UEC's appointment of Okada as nominee
11 director in Tiger Resorts Asia Limited dated April 8, 2014.

12 **REQUEST NO. 21:**

13 Please produce all Documents Concerning Okada's responsibilities and duties, including
14 any job description, as director of Tiger Resorts Asia Limited.

15 **REQUEST NO. 22:**

16 Please produce all Documents Concerning UEC's revocation of Okada's appointment of
17 nominee director in Tiger Resorts Asia Limited.

18 **REQUEST NO. 23:**

19 Please produce the Agreement/Declaration of Trust between Tiger Resorts Asia Limited
20 and Okada, entrusting to Okada one (1) share of stock in Tiger Resorts Leisure and Entertainment,
21 Inc.

22 **REQUEST NO. 24:**

23 Please produce the Tiger Resorts Asia Limited Resolution dated June 13, 2017, revoking
24 the Agreement/Declaration of Trust between Tiger Resorts Asia Limited and Okada, entrusting
25 to Okada one (1) share of stock in Tiger Resorts Leisure and Entertainment, Inc.

26 **REQUEST NO. 25:**

27 Please produce the Tiger Resorts Leisure and Entertainment, Inc. Resolution and Minutes
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1 of Shareholders' Meeting Implementing the Removal of Mr. Okada as a Director, in relation to
2 the Documents requested in Requests No. 23 and 24.

3 **REQUEST NO. 26:**

4 Please produce UEC's Former Affiliate Company Management Rules and current
5 Subsidiary Company Rules (effective March 1, 2010).

6 **REQUEST NO. 27:**

7 Please produce all Documents Concerning share transfers made by shareholders of
8 Universal Sales Co., Ltd. from 1991-1994, including, without limitation, all stock ledgers of
9 Universal Sales Co., Ltd.

10 **REQUEST NO. 28:**

11 Please produce all Documents Concerning share transfers made by shareholders of UEC
12 from 2009-2011, including, without limitation, all stock ledgers of UEC.

13 **REQUEST NO. 29:**

14 Please produce all Documents Concerning share transfers made by shareholders of UEC
15 in 2017, including, without limitation, all stock ledgers of UEC.

16 *Patent*

17 **REQUEST NO. 30:**

18 Please produce all Documents Concerning all steps or efforts taken by UEC to enforce
19 any of the Asserted Patents against any person, including, but not limited to, charges of
20 infringement of any of the Asserted Patents.

21 **REQUEST NO. 31:**

22 Please produce all Documents in support of paragraph 69 of the Second Amended
23 Complaint, which states "Because of Okada's actual knowledge of the Asserted Patents, AGA
24 also had actual knowledge of the Asserted Patents."

25 **REQUEST NO. 32:**

26 Please produce all Documents in support of paragraph 70 of the Second Amended
27 Complaint, which states "Upon information and belief, Okada directed employees of AGA
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1 located in Nevada to develop and produce the Accused Products, which made use of the
2 technology claimed in the Asserted Patents, without obtaining a license or permission from
3 UEC, and thereby infringing the Asserted Patents.”

4 **REQUEST NO. 33:**

5 Please produce all Documents in support of paragraph 71 of the Second Amended
6 Complaint, which states, “AGA provided no benefit or compensation to UEC for its
7 exploitation of the Asserted Patents; AGA never entered into a license agreement with UEC.”

8 **REQUEST NO. 34:**

9 Please produce all Documents in support of paragraph 72 of the Second Amended
10 Complaint, which states “UEC did not learn of AGA’s unauthorized use of UEC’s patent rights,
11 including the Asserted Patents, until UEC began investigating Okada’s misconduct in 2017.”

12 **REQUEST NO. 35:**

13 Please produce all Documents Concerning the preparation, filing, and prosecution of
14 each Asserted Patent, Related Patent, and Related Application, including, without limitation,
15 all draft and final versions of the invention disclosure, the application(s), a copy of the
16 prosecution history, draft versions of the application(s), draft versions of responses to office
17 actions, and all communications regarding the preparation, filing, prosecution, abandonment,
18 and revival of such patent applications.

19 **REQUEST NO. 36:**

20 Please produce all Documents Concerning UEC’s contention that AGA has willfully
21 infringed any Asserted Claim.

22 **REQUEST NO. 37:**

23 Please produce all Documents Concerning UEC’s contention that AGA has induced the
24 infringement of any Asserted Claim.

25 **REQUEST NO. 38:**

26 Please produce all Documents Concerning UEC’s contention that AGA has contributorily
27 infringed any Asserted Claim.

28

REQUEST NO. 39:

Please produce all Documents Concerning any UEC policy or procedure for acquisitions, mergers, or asset purchases, including Documents explaining or identifying any due diligence procedure, any investigation procedure, any intellectual property valuation procedure, and any technology transfer procedure since January 1, 2007.

REQUEST NO. 40:

Please produce all Documents Concerning any technical or industry conference, symposium, trade show, standards committee(s), or meeting concerning the subject matter of any of the Asserted Patents attended by any of the Named Inventors anywhere in the world before the filing of the corresponding Related Applications, including but not limited to all Documents showing the attendance by any of the Named Inventors, notes by any of the Named Inventors, and Documents received at the conference, symposium, trade show, standards committee(s) or meeting since December 1, 1997 as to Mr. Sekine, and January 1, 2017 as to all other Named Inventors.

REQUEST NO. 41:

Please produce all Documents Concerning, or on which UEC intends to rely in support of, UEC's contention that any of the Asserted Patents are valid.

REQUEST NO. 42:

Please produce all Documents Concerning any alleged secondary indicia of non-obviousness, including without limitation:

- (a) any long-felt need for the alleged inventions claimed or technology disclosed in any of the Asserted Patents;
- (b) any failure in the relevant art to solve the problems that are the subjects of the alleged inventions claimed or technology disclosed in any of the Asserted Patents;
- (c) any commercial success of the alleged inventions claimed or technology disclosed in any of the Asserted Patents;

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- (d) any industry recognition or praise of the alleged inventions claimed or technology disclosed in any of the Asserted Patents;
- (e) any copying or adoption by others of the alleged inventions claimed or technology disclosed in any of the Asserted Patents;
- (f) any skepticism towards the alleged inventions claimed or technology disclosed in any of the Asserted Patents;
- (g) any commercial acquiescence of competitors to license the alleged inventions claimed or technology disclosed in any of the Asserted Patents;
- (h) any failure of others to independently develop the alleged inventions claimed or technology disclosed in any of the Asserted Patents;
- (i) any prior litigation regarding the alleged inventions claimed or technology disclosed in any of the Asserted Patents; or
- (j) any surprise towards the capabilities of the alleged inventions claimed or the technology disclosed in any of the Asserted Patents.

REQUEST NO. 43:

Please produce all publications authored or co-authored by any of the Named Inventors, which pre-date the filing date of any of the Asserted Patents on which such a Named Inventor is so named.

REQUEST NO. 44:

Please produce all Documents Concerning all Prior Art known to UEC, any Named Inventor, and/or Patent Counsel that pertains to the subject matter claimed in any of the Asserted Patents, whether or not cited to the U.S. Patent and Trademark Office.

REQUEST NO. 45:

Please produce all employment or consulting agreements between UEC or others (including predecessor and UEC-acquired entities) and any of the Named Inventors

REQUEST NO. 46:

Please produce all opinions of counsel Concerning the validity, enforceability,

1 infringement, or non-infringement of any of the Asserted Patents.

2 **REQUEST NO. 47:**

3 Please produce all affidavits, trial or deposition testimony, exhibits for such testimony,
4 declarations, or other sworn statements of which UEC is aware Concerning any of the Asserted
5 Patents and/or the inventions claimed in any of any Asserted Patents.

6 **REQUEST NO. 48:**

7 Please produce all UEC and any UEC-acquired entity board and executive notes, minutes,
8 agendas, or memoranda making any reference to any of the Asserted Patents, this litigation, or
9 AGA.

10 **REQUEST NO. 49:**

11 Please produce all Documents Concerning any of the Asserted Patents and any of the
12 Related Applications that matured into any of the Asserted Patents, including but not limited to
13 Documents Concerning the references cited in any of the Asserted Patents and communications
14 with third parties about any of the Asserted Patents.

15 **REQUEST NO. 50:**

16 Please produce all Documents Concerning the best mode of carrying out the subject matter
17 disclosed or claimed in any of the Asserted Patents known to any of the Named Inventors at any
18 time prior to the filing of any of the Related Applications.

19 **REQUEST NO. 51:**

20 Please produce all Documents Concerning any experimentation or analysis of the subject
21 matter of the claims of any Asserted Patent conducted by or for UEC or by any third party prior
22 to each filing date of each of the Asserted Patents.

23 **REQUEST NO. 52:**

24 Please produce all Patents, Related Applications, Related Patents, patent file histories, and
25 Documents or files Concerning all patents on which any of the Named Inventors is a named
26 inventor. This request is limited to Documents created prior to the issue date of the Asserted
27 Patent on which a named Inventor is so named.

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REQUEST NO. 53:

Please produce, for each Named Inventor, Documents sufficient to show the background, education, and work history of such person.

REQUEST NO. 54:

Please produce all Documents Concerning tracking of time worked and tasks performed on the G-ENEX project for all UEC employees and all AGA employees during the time AGA was affiliated with UEC.

REQUEST NO. 55:

Please produce all employee records for Named Inventor Mr. Koichiro Hashimoto.

REQUEST NO. 56:

Please produce all Documents Concerning product presentations made by AGA from April 1, 2007 to present, including but not limited to, photos, video recordings, and notes made by UEC employees in attendance at AGA product presentations.

REQUEST NO. 57:

Please produce all Documents upon which UEC intends to rely to establish the level of ordinary skill in the art to which the subject matter of any of the claims of any Asserted Patents pertains.

REQUEST NO. 58:

Please produce all Documents Concerning UEC's first awareness of any activities, products, or services of AGA that form the basis for any accusation of infringement of any of the Asserted Patents.

REQUEST NO. 59:

Please produce all Documents Concerning any analysis of alleged infringement of any of the Asserted Patents by any AGA product.

REQUEST NO. 60:

Please produce all Documents Concerning the basis for UEC's allegations of AGA's alleged infringement.

REQUEST NO. 61:

Please produce all Documents Concerning all steps or efforts taken by UEC or others (including UEC-acquired entities) to enforce any of the Asserted Patents against any person, including, but not limited to, charges of infringement of any of the Asserted Patents.

REQUEST NO. 62:

Please produce all Documents Concerning the basis for UEC's claim of injunctive relief.

REQUEST NO. 63:

Please produce all Documents Concerning any other litigation, prospective litigation, re-examination, reissue, inter parties review, or dispute involving any of the Asserted Patent or any Related Patents.

REQUEST NO. 64:

Please produce all Documents Concerning any patent marking in connection with any of the Asserted Patents, or any other alleged compliance by UEC with 35 U.S.C. Section 287(a).

REQUEST NO. 65:

Please produce all license, assignment, or settlement agreements Concerning the alleged inventions claimed in any of the Asserted Patents and any Documents evidencing, recording, or related to payments made under such agreements.

REQUEST NO. 66:

Please produce all Documents Concerning any communications, agreements, discussions, negotiations, inquiries, or proposals relating to the licensing or assignment of the inventions claimed in any of the Asserted Patents (including cease and desist letters and any communications relating thereto).

REQUEST NO. 67:

Please produce all Documents Concerning any license, offer to license, or attempt to license any of the Asserted Patents or any Related Patents, or any Patents owned by UEC or UEC-Acquired Entities to any person-whether or not the offer or attempt has resulted in a license-including, without limitation, Documents regarding the rights being offered, the consideration

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1 paid or to be paid, any proposed or actual royalty rate or payment, any actual or projected revenues
2 or profits, and those persons involved in the negotiation regarding such license or attempt to
3 license.

4 **REQUEST NO. 68:**

5 Please produce all Documents Concerning any assessment, analysis, study, forecast, plan,
6 reports, valuation, projection, evaluation, expectation, presentation, proposal, or discussion of the
7 actual or projected monetary value to UEC or other indicia of value to any person of the alleged
8 inventions claimed in any of the Asserted Patents including, without limitation, Documents
9 regarding UEC's actual, planned, forecast, or expected revenues or profits from licensing any of
10 the Asserted Patents.

11 **REQUEST NO. 69:**

12 Please produce all Documents Concerning patent procurement policies, patent
13 enforcement policies, competitor product review policies, or patent licensing policies of UEC
14 since January 1, 2007.

15 **REQUEST NO. 70:**

16 Please produce all Documents Concerning any alleged nexus, or lack thereof, between
17 any alleged commercial success of the subject matter of any claim of any of the Asserted Patents
18 and the alleged advantages of that subject matter.

19 **REQUEST NO. 71:**

20 Please produce all Documents Concerning the nature and scope of any alleged irreparable
21 injury suffered by UEC as a result of the alleged infringement of any of the Asserted Patents
22 absent an injunction against AGA in this matter.

23 **REQUEST NO. 72:**

24 Please produce all Documents Concerning remedies available at law are adequate to
25 compensate UEC for the alleged infringement of any Asserted Patent by AGA.

26 **REQUEST NO. 73:**

27 Please produce all Documents Concerning whether the balance of hardships weighs in
28

1 favor of or against an injunction against AGA for the alleged infringement of any of the Asserted
2 Patents.

3 **REQUEST NO. 74:**

4 Please produce all Documents Concerning UEC's contention that UEC is entitled to an
5 injunction against AGA related to the Asserted Patents.

6 **REQUEST NO. 75:**

7 Please produce Documents sufficient to describe each lost sale of UEC that UEC contends
8 is the result of any alleged infringement by AGA as it relates to the Asserted Patents.

9 **REQUEST NO. 76:**

10 Please produce Documents sufficient to describe the harm to UEC that UEC contends is
11 the result of any alleged infringement by AGA as it relates to the Asserted Patents.

12 **REQUEST NO. 77:**

13 Please produce all Documents Concerning agreements entered between UEC and AGA
14 Concerning the Asserted Patents.

15 **REQUEST NO. 78:**

16 Please produce all Documents Concerning communications between UEC and AGA
17 Concerning the Asserted Patents.

18 ***SIC Investigation/Report***

19 **REQUEST NO. 79:**

20 Please produce all Documents in support of paragraph 67 of the Second Amended
21 Complaint which states "In June 2017, UEC became aware of a possibility that Okada engaged
22 in misconduct in relation to foreign business. In response to this misconduct, UEC established a
23 Special Investigation Committee formed by outside experts to investigate Okada."

24 **REQUEST NO. 80:**

25 Please produce all Documents in support of paragraph 68 of the Second Amended
26 Complaint which states "On August 29, 2017, the Special Investigation Committee reported the
27 result of the investigation to UEC. This identified the fact that Okada had caused UEC damages
28

1 worth at least JPY 2.2 billion due to his misconduct through the foreign business done for his
2 personal gain during 2013 – 2015. In response to the work of the Special Investigation
3 Committee, UEC personnel further reviewed Okada’s activities and they discovered the fact that
4 AGA was making unauthorized use of UEC patent rights, including the Asserted Patents, and that
5 Okada had concealed these facts.”

6 **REQUEST NO. 81:**

7 Please produce all Documents Concerning the formation of the Special Investigation
8 Committee, including but not limited to the members who were selected to serve on the Special
9 Investigation Committee.

10 **REQUEST NO. 82:**

11 Please produce all Documents Concerning any reports, including any drafts of the Special
12 Investigation Committee report, from May 23, 2017 to the present, which is referenced in
13 paragraph 68 of the Second Amended Complaint.

14 **REQUEST NO. 83:**

15 Please produce all Documents provided to the Special Investigation Committee as
16 referenced in paragraphs 67 – 68 of the Second Amended Complaint.

17 **REQUEST NO. 84:**

18 Please produce all Documents Concerning the Special Investigation Committee
19 investigation and report as referenced in paragraphs 67 – 68 of the Second Amended Complaint.

20 **REQUEST NO. 85:**

21 Please produce all Documents Concerning any written communications, text messages
22 or emails referenced in any draft or final report by the Special Investigation Committee as
23 referenced in paragraphs 67 – 68 of the Second Amended Complaint.

24 **REQUEST NO. 86:**

25 Please produce each and every written or recorded statement, deposition transcript,
26 affidavit, affirmation or declaration, or UEC Board Meeting Minutes Concerning the Special
27 Investigation Committee that UEC, or anyone on its behalf has obtained.

28

REQUEST NO. 87:

Please produce all Documents Concerning communications between UEC and Mr. Yoshinao Negishi from January 1, 2017 to the present.

REQUEST NO. 88:

Please produce all Documents Concerning communications between Mr. Fujimoto and Mr. Yoshinao Negishi from January 1, 2017 to the present.

REQUEST NO. 89:

Please produce all Documents Concerning communications between UEC and Ms. Joanna Ip from January 1, 2017 to the present.

REQUEST NO. 90:

Please produce all Documents Concerning communications between UEC and Tiger Resorts Asia Limited from January 1, 2017 to the present Concerning the Special Investigation Committee report which is referenced in paragraph 68 of the Second Amended Complaint.

REQUEST NO. 91:

Please produce all Documents from UEC's Internal Audit Office from January 1, 2015 to present Concerning any subject matters that are contained in the Special Investigation Committee report which is referenced in paragraph 68 of the Second Amended Complaint.

REQUEST NO. 92:

Please produce all Documents Concerning the selection of those persons who worked in UEC's Internal Audit Office as of May 23, 2017.

REQUEST NO. 93:

Please produce all Documents from UEC's Board of Corporate Auditors which approved the report made by Mr. Nobuyoshi Ichikura at UEC's Extraordinary Board Meeting held on May 23, 2017.

REQUEST NO. 94:

Please produce all Documents Concerning the selection of those persons who served on UEC's Board of Corporate Auditors on May 23, 2017.

REQUEST NO. 95:

Please produce all Documents Concerning communications between Mr. Fujimoto and Auditor Nobuyoshi Ichikura (or Nobuyoshi Ichigura) from January 1, 2017 to the present Concerning any subject matters that are contained in the Special Investigation Committee report which is referenced in paragraph 68 of the Second Amended Complaint.

REQUEST NO. 96:

Please produce all Documents Concerning communications between UEC and the City-Yuwa Partners law firm from January 1, 2015 to the present.

REQUEST NO. 97:

Please produce all Documents Concerning communications between Mr. Fujimoto and the Special Investigation Committee from January 1, 2017 to the present.

REQUEST NO. 98:

Please produce all Documents Concerning communications between UEC and Mr. Michio Masaki from January 1, 2017 to the present.

REQUEST NO. 99:

Please produce all Documents Concerning communications between UEC and Mr. Sotaro Matsuo from January 1, 2017 to the present.

REQUEST NO. 100:

Please produce all Documents Concerning communications between UEC and Mr. Miya Fukayama from January 1, 2017 to the present.

REQUEST NO. 101:

Please produce all Documents Concerning communications between UEC and Mr. Takahiro Usui from January 1, 2017 to the present.

REQUEST NO. 102:

Please produce all Documents Concerning communications between Mr. Fujimoto and Ms. Takako Okada from January 1, 2017 to the present.

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REQUEST NO. 103:

Please produce all Documents Concerning communications between Mr. Fujimoto and Mr. Kenshi Asano from January 1, 2017 to the present Concerning the Special Investigation Committee, Okada Holdings or Mr. Kazuo Okada.

REQUEST NO. 104:

Please produce all Documents Concerning communications between Mr. Fujimoto and Ms. Takako Okada (and/or Ms. Sachiko Okada) from January 1, 2017 to the present Concerning the Special Investigation Committee, Okada Holdings or Mr. Okada.

REQUEST NO. 105:

Please produce all Documents Concerning communications between Mr. Fujimoto and Mr. Hajime Tokuda from January 1, 2017 to the present Concerning the Special Investigation Committee, Okada Holdings or Mr. Okada.

REQUEST NO. 106:

Please produce all Documents Concerning communications between Mr. Fujimoto and Mr. Masayoshi Miyanaga from January 1, 2017 to the present Concerning the Special Investigation Committee, Okada Holdings or Mr. Okada.

REQUEST NO. 107:

Please produce all Documents Concerning communications between Mr. Fujimoto and Mr. Seisui Kamigaki from January 1, 2017 to the present Concerning the Special Investigation Committee, Okada Holdings or Mr. Okada.

REQUEST NO. 108:

Please produce all Documents Concerning communications between Mr. Fujimoto and Mr. Yoshio Otani from January 1, 2017 to the present Concerning the Special Investigation Committee, Okada Holdings or Mr. Okada.

REQUEST NO. 109:

Please produce all Documents Concerning communications between UEC and Deutsche Bank from January 1, 2017 to the present Concerning the Special Investigation Committee, Okada

Holdings or Mr. Okada.

REQUEST NO. 110:

Please produce all cellular telephone records for Mr. Fujimoto from January 1, 2017 to the present.

REQUEST NO. 111:

Please produce all Documents Concerning plans by UEC to pursue an Initial Public Offering of its casino resort business in the Philippines.

Okada Holdings Takeover

REQUEST NO. 112:

Please produce each and every written or recorded statement, deposition transcript, affidavit, affirmation or declaration Concerning Okada Holdings, from the period of January 1, 2015 to present, that UEC, or anyone on its behalf, has obtained.

REQUEST NO. 113:

Please produce all Documents Concerning communications between UEC and Mr. Tomohiro Okada including, but not limited to those Documents, Concerning the Okada Holdings Takeover or any activities of Mr. Okada.

REQUEST NO. 114:

Please produce all Documents Concerning communications between Mr. Fujimoto and Mr. Tomohiro Okada including, but not limited to those Documents, Concerning the Okada Holdings Takeover or any activities of Mr. Okada.

REQUEST NO. 115:

Please produce all Documents Concerning communications between UEC and Mr. Makoto Takada including, but not limited to, those Documents Concerning the Okada Holdings Takeover.

REQUEST NO. 116:

Please produce all Documents Concerning communications between Mr. Fujimoto and Mr. Makoto Takada from January 1, 2017 to the present including, but not limited to, those

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1 Documents Concerning the Okada Holdings Takeover.

2 **REQUEST NO. 117:**

3 Please produce all Documents Concerning communications between UEC and Mr.
4 Atsunobu Ishida, including, but not limited to, those Documents Concerning the Okada Holdings
5 Takeover.

6 **REQUEST NO. 118:**

7 Please produce all Documents Concerning communications between Mr. Fujimoto and
8 Mr. Atsunobu Ishida, including, but not limited to, those Documents Concerning the Okada
9 Holdings Takeover.

10 **REQUEST NO. 119:**

11 Please produce all Documents Concerning communications between Mr. Fujimoto, or
12 anyone on his behalf, and Hiromi Okada from January 1, 2017 to the present.

13 **REQUEST NO. 120:**

14 Please produce all Documents Concerning communications between UEC, or anyone on
15 its behalf, and Hiromi Okada from January 1, 2017 to the present.

16 **REQUEST NO. 121:**

17 Please produce all Documents that specifically reference Hiromi Okada (including but
18 not limited to Documents containing her name in Japanese) from January 1, 2017 to the present.

19 **REQUEST NO. 122:**

20 In a UEC Press Release dated May 31, 2017 entitled “Proposed Change of Board
21 members,” it states that UEC has “received notice from Okada Holdings Limited which owns
22 67.90% of the voting rights of the Company, stating its intention to approve the proposed
23 candidates for Directors as listed above at the 44th Ordinary General Meeting of Shareholders.”
24 Please produce a copy of all Documents Concerning this notice that UEC received from Okada
25 Holdings.

26 ///

27 ///

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REQUEST NO. 123:

From January 1, 2017 to present, please produce all Documents Concerning communications between UEC (or person or entity on its behalf) and any government organizations (including but not limited to the Hong Kong Independent Commission Against Corruption) Concerning allegations that Mr. Okada has engaged in any improper or illegal activities.

REQUEST NO. 124:

From January 1, 2017 to present, please produce all Documents Concerning legal filings by UEC (or person or entity on its behalf) Concerning allegations that Mr. Okada has engaged in any improper or illegal activities.

REQUEST NO. 125:

From January 1, 2011 to present, please produce all Documents concerning any UEC resolutions (including but not limited to any UEC written corporate resolutions involving Tiger Resorts Asia Limited) Concerning allegations contained in the report by the Special Investigation Committee which is referenced in paragraph 68 of the Second Amended Complaint.

UEC Financials/Board Compensation

REQUEST NO. 126:

Per a statement from Mr. Yoshinao Negishi, dated June 23, 2017, it states that “with respect to the compensation for directors of UE, UE has a prescribed calculation standard for performance-linked compensation. After reappointment of a director at the shareholder’s general meeting of UE held in June of every year, the amount of compensation to be paid to a director is determined based on the performance of the previous business year according to this standard.” Please produce a copy of any Documents Concerning this UEC director compensation standard from January 1, 2015 to present.

REQUEST NO. 127:

Please produce all Documents showing the compensation paid by UEC to Mr. Fujimoto from January 1, 2015 to the present.

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1 **REQUEST NO. 128:**

2 Please produce all Documents showing the compensation paid by UEC to Mr. Hajime
3 Tokuda from January 1, 2015 to the present.

4 **REQUEST NO. 129:**

5 Please produce all Documents showing the compensation paid by UEC to Ms. Takako
6 Okada from January 1, 2015 to the present.

7 **REQUEST NO. 130:**

8 Please produce all Documents showing the compensation paid by UEC to Mr. Shimizu
9 Kamigaki from January 1, 2015 to the present.

10 **REQUEST NO. 131:**

11 Please produce all Documents showing the compensation paid by UEC to Mr. Yoshio
12 Otani from January 1, 2015 to the present.

13 **REQUEST NO. 132:**

14 Please produce all Documents showing the compensation paid by UEC to Mr. Yoshinao
15 Negishi from January 1, 2015 to the present.

16 **REQUEST NO. 133:**

17 Please produce all Documents Concerning legal fees paid by UEC to lawyers for
18 Tomohiro Okada from January 1, 2017 to present.

19 **REQUEST NO. 134:**

20 Please produce all Documents Concerning monies paid by UEC to Tomohiro Okada to
21 reimburse him for any costs, including any legal fees, incurred by him from January 1, 2017 to
22 present.

23 ***Indemnification***

24 **REQUEST NO. 135:**

25 Please produce all Documents Concerning communications between UEC and Wynn
26 Resorts, Limited from January 29, 2017 to March 31, 2018 Concerning the Wynn Litigation.

27 ///

REQUEST NO. 136:

Please produce all Documents Concerning indemnification by UEC and/or Aruze of Okada in the Wynn Litigation.

REQUEST NO. 137:

Please produce all Documents Concerning payment by UEC or Aruze of legal fees incurred by UEC or Aruze in the Wynn Litigation.

REQUEST NO. 138:

Please produce all Documents Concerning payment by UEC or Aruze of legal fees incurred by Okada in the Wynn Litigation.

DATED this 27th day of September 2018.

By /s/ Bryce Kunimoto, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September 2018, a true and correct copy of the foregoing **ARUZE GAMING AMERICA, INC. AND KAZUO OKADA'S REQUESTS FOR PRODUCTION OF DOCUMENTS (FIRST SET)** was served by the following method(s):

☒ Email: by electronically delivering a copy via email to the following e-mail addresses:

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